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Interview Summary	10/693,001

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William C. Phillips; Confirmation No. 9336
Jeremy J. Odegard;
Michael W. Horvath
Serial No.: 10/693,001
Filed: October 24, 2003 Customer No.: 28863
Examiner: Christopher A. Flory
Group Art Unit: 3762
Docket No.: 1023-291US01
Title: NEUROSTIMULATOR PROGRAMMER WITH CLOTHING
ATTACHABLE ANTENNA

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By:

Name: Shirley A. Bcladh

INTERVIEW SUMMARY

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In a telephonic interview initiated by Applicant on October 17, 2007 and a subsequent telephonic interview on October 23, 2007, Examiner Christopher A. Flory and Applicant's representative, Jessica H. Kwak, discussed the above-referenced application. The parties discussed the Declaration Under 37 C.F.R. 1.132 ("1.132 Declaration") filed by Applicant with a Supplemental Information Disclosure Statement on November 27, 2006 pursuant to the duty to disclose information material to patentability under 37 C.F.R. § 1.56. In particular, Applicant's representative clarified the purpose of the 1.132 Declaration.

The Office Action mailed on October 2, 2007 indicated that the 1.132 Declaration was considered, but was insufficient to overcome the rejection of claims 1-9 and 11-35 based upon 35 U.S.C. § 103 because "the proposed dates do not antedate the applied art." Applicant's representative noted that the 1.132 Declaration filed on November 26, 2006 was not a Declaration filed under 37 C.F.R. 1.131 used to establish invention of the subject matter of a rejected claim prior to the effective date of the reference or activity on which the rejection is

based. Applicant's representative clarified that the 1.132 Declaration was filed to submit information related to the manufacture of antenna assemblies more than one year prior to October 2, 2003, and to establish that the antenna assemblies were used for experimental purposes, and, therefore, the manufactured antenna assemblies were not "in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States" under 35 U.S.C. § 102(b).

Examiner Flory appeared to understand the purpose of the 1.132 Declaration and indicated that that he would initial a copy of the 1.132 Declaration to provide, for the record, an indication that the 1.132 Declaration was considered.

No claims or prior art references were discussed, and no agreement regarding the claims was reached. In addition, no exhibits were introduced during the interview.

Date:

February 7, 2008

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